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DEC
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No. 485

In the Supreme Court of the United States

October Term, 1931.

CHAMPLIN REFINING COMPANY, A CORPORATION,
Appellant,

vs.

THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA, AND E. R. HUGHES, C. C. CHILDERS, AND PAUL WALKER, COMPOSING THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA, *ET AL.*,
Appellees.

MOTION TO ADVANCE ON CALENDAR.

CHAMPLIN REFINING COMPANY,
A CORPORATION,
Appellant.

By HARRY O. GLASSER,
H. G. McKEEVER,
GEO. S. RAMSEY,
EDGAR A. de MEULES,
Solicitors.

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Appellees.

MOTION to ADVANCE on CALENDAR.

Comes now the appellant, by its solicitors, and moves the court to advance this cause for hearing at the earliest time subsequent to Monday, January 18th, 1931, compatible with the other business of the court, and for grounds assigns:

That appellant instituted this cause in the United States District Court for the Western District of Oklahoma, for the purpose of permanently enjoining,

(a) the enforcement of the Oklahoma Oil Curtailment Act, entitled House Bill No. 168, chapter 38, Session Laws 1915, page 28, being sections 7954 to 7963, inclusive, Oklahoma Compiled Statutes, 1921 (R. Vol. 1, part 2, pp. 218-221, inclusive),

and, or,

(b) the making or enforcing of rules, regulations, or proration orders thereunder, for that said act within itself, and the rules, regulations and proration orders of the Corporation Commission complained of, whether independent thereof, or dependent thereon, are violative of the provisions of the Fourteenth Amendment to the Constitution of the United States, in that they and each of them deprive appellant of

(1) its liberty of contract,

(2) its property without due process of law,

and, or,

(3) the equal protection of the laws, and,

are violative of the provisions of the commerce clause of section 8, or Article I of the Constitution of the United States,

and,

when put in operation as here enforced, and complained of, are in violation of the Sherman Anti-Trust Act of the United States (see appellant's third amended and supplemental bill of complaint, R. Vol. 1, part 1, pp. 6-36, inclusive), consequently vesting in a statutory court, when created as provided in section 266 of the Judicial Code as amended (28 U. S. C. A. 380), jurisdiction for the purpose of determining such application for permanent injunction, with the consequent right of direct appeal to this court, within the provisions of Sec. 266 of the Judicial Code as amended *(supra)*, for the denial thereof.

That by the provisions of Judicial Code 266 *(supra)*, Congress intended that every possible precedence shall be given the final hearing upon a cause in which the unconsti-

tutionality of a state statute is alleged, and especially where, as here, by the imposition of military law by the Governor of the state, in a time of peace, as fully set forth in appellant's petition for rehearing (Folios 345 to 408, not reprinted in record), the properties of this appellant, and all others in like situation, have been made confiscate to such military power, notwithstanding all of the courts of the State of Oklahoma (state as well as federal), are open in the orderly conduct of the business before such courts.

That the printed record in said cause is now in the possession of counsel for the respective parties and the consequences of the continuation of so-called "proration," as practiced in Oklahoma, if unconstitutional, is without parallel in the irreparable injury that will be done this appellant, and all others in like situation, so that the ultimate rights of all concerned require that the matter should be finally determined with the greatest possible expediency.

That to so order the advancement of this cause, will be within the intent of the provisions of Judicial Code, section 266 *(supra)*.

Wherefore, appellant prays that this motion be granted.

CHAMPLIN REFINING COMPANY,
A CORPORATION,
Appellant,

By HARRY O. GLASSER,
H. G. MCKEEVER,
GEO. S. RAMSEY,
EDGAR A. DE MEULES,
Solicitors.

We, the undersigned, solicitors for the appellees, acknowledge the receipt of a copy of the foregoing motion, with written notice that the same will be presented to the Supreme Court for consideration, and action thereon, on Monday, December 14th, 1931, at 12:00 o'clock noon, or as soon thereafter as the court may conveniently hear same.

Dated at Oklahoma City, Oklahoma, this .... day of December, 1931.

THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA, E. R. HUGHES, C. C. CHILDERS, AND PAUL WALKER, COMPOSING THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA, ET AL.,

J. BERRY KING, Atty. Gen'l, *Appellees,*

By JESSE L. BALLARD, Assistant Atty. Gen'l,

E. S. RATLIFF,

W. P. Z. GERMAN,

J. H. MILEY,

Solicitors.